

NINETY-EIGHTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 219CA

PROPOSED CONSTITUTIONAL AMENDMENT

Introduced by Beutler, 28; Hartnett, 45; Preister, 5

Read first time January 13, 2004

Committee: Executive Board

1 THE MEMBERS OF THE NINETY-EIGHTH LEGISLATURE OF NEBRASKA,
2 SECOND SESSION, RESOLVE THAT:

3 Section 1. At the general election in November 2004 the
4 following proposed amendment to the Constitution of Nebraska shall
5 be submitted to the electors of the State of Nebraska for approval
6 or rejection:

7 To add a new section 31 to Article III and repeal Article
8 III, section 12:

9 III-31 "(1) Members of the Legislature may be removed
10 from office by recall pursuant to this section.

11 (2) A petition demanding that the question of removing a
12 member of the Legislature be submitted to the registered voters of
13 that legislative district shall be signed by registered voters
14 equal in number to at least twenty-five percent of the total vote
15 cast for that office in the last general election at which that
16 office was filled. Only registered voters of such member's
17 legislative district as it exists when the petitions are circulated

1 may sign a recall petition. The Secretary of State shall notify
2 the principal circulator that the necessary signatures must be
3 gathered within ninety days after the date of issuing the petition
4 papers.

5 (3) A recall petition may be filed against a member of
6 the Legislature who has served more than two consecutive terms of
7 office but not within one hundred twenty days after the beginning
8 of any third or subsequent consecutive term of office or within two
9 hundred days prior to the end of any third or subsequent
10 consecutive term of office. No recall petition shall be filed
11 against a member of the Legislature during the same term of office
12 in which a recall election has failed to remove him or her from
13 office.

14 (4) If the recall petition is found to be sufficient, the
15 Secretary of State shall notify the member and the Clerk of the
16 Legislature that sufficient signatures have been gathered. If the
17 member does not resign within five days after receiving the notice,
18 the Secretary of State shall order an election to be held not less
19 than thirty nor more than forty-five days after the expiration of
20 the five-day period, except that if any other election is to be
21 held in that district within ninety days after the expiration of
22 the five-day period, the Secretary of State may provide for the
23 holding of the removal election on the same day. After the
24 Secretary of State sets the date for the recall election, the
25 recall election shall be held regardless of whether the official
26 whose removal is sought resigns before the recall election is held.

27 (5) If a majority of the votes cast at a recall election
28 are against the removal of the member or the election results in a

1 tie, the member shall continue in office for the remainder of his
2 or her term and shall not be subject to further recall attempts
3 during such term. If a majority of the votes cast at a recall
4 election are for the removal of the official named on the ballot,
5 he or she shall, regardless of any technical defects in the recall
6 petition, be deemed removed from office unless a recount is
7 ordered. If the official is deemed removed, the vacancy shall be
8 filled as provided by law.

9 (6) No member who is removed from office as a result of a
10 recall election or who resigns after the initiation of the recall
11 process shall be appointed to fill a vacancy resulting from his or
12 her resignation or the resignation or removal of any other member
13 of the Legislature or be eligible for election to the Legislature
14 during the remainder of the term of the office from which the
15 member was removed."

16 "Article III, section 12, of the Constitution of Nebraska
17 is repealed."

18 Sec. 2. The proposed amendments shall be submitted to
19 the electors in the manner prescribed by the Constitution of
20 Nebraska, Article XVI, section 1, with the following ballot
21 language:

22 "A constitutional amendment to provide for recall of
23 state legislators and to repeal term limits for state
24 legislators.

25 For

26 Against".